

## REMARKS

Claim 70 is amended. Claim 71 is canceled. Claims 70 and 72-84 are in the application for consideration.

Independent claim 70 stands rejected as being obvious over a combination of Mori et al., Hokazono and Sakakibara et al. Claim 70 has been amended to recite that the first gate dielectric layer has uppermost surface portions received over the straight step surfaces which are parallel with the active area upper planar surface and which are parallel with the straight step surfaces. Claim 70 is further amended to recite that the first gate dielectric layer uppermost surface portions are received elevationally below the upper planar surfaces of the spaced shallow trench isolation masses. Claim 70 is further amended to recite that the first gate dielectric layer includes straight laterally outermost surfaces which bear against the straight segments of the second portions, with the straight laterally outermost surfaces each being normal to the active area upper planar surface and each being parallel with each of the straight segments of the first portions and the second portions. Such is not shown by the combination of the applied references, or with any other references of record.

Specifically, the gate dielectric layer 33 of Mori et al. is not received over its allegedly equivalent step surface in Fig. 11C. No gate dielectric layer is received over the allegedly equivalent step surface in Hokazono. Further, the gate dielectric layer 41 of Sakakibara et al. does not provide its first gate dielectric layer to have straight laterally outermost surface portions, and therefore certainly could not suggest forming something it does not have to bear

against something else it doesn't have, namely straight segments of second portions of Applicant's claim recited spaced shallow trench isolation masses. Further, the gate dielectric 41 of Sakakibara et al. is shown to be received over its allegedly equivalent second portions of its trench isolation masses, and thereby, its dielectric layer has uppermost surface portions which are received elevationally above, and therefore not elevationally below the upper planar surface of the spaced shallow trench isolation masses as Applicant recites in independent claim 70. Further, as Sakakibara et al.'s gate dielectric layer 41 does not have straight laterally outermost surfaces in the manner which Applicant claims, it is inconceivable that the reference could suggest forming something it does not have to be normal to the active area upper planar surface and each being parallel with each of the straight segments of the first portions and the second portions of the spaced shallow trench isolation masses.

As each of the references is lacking in the above regards, it is inconceivable that the applied combination of references suggests or renders obvious Applicant's amended claim 70. Accordingly, amended claim 70 should be allowed, and action to that end is requested.

With respect to the '606 patent to Yu et al. of record, it is noted that its laterally outermost surfaces do not include any straight line portion, and are everywhere curved. Thereby, while such laterally outermost surfaces are received along the correspondingly curved surfaces of the second portions of their trench isolation masses, such curved laterally outermost surfaces are neither straight nor normal to each of: a) the active area upper planar surface,

and b) parallel with each of the straight segments of the first portions and the second portions of the shallow trench isolation masses. A curved surface simply cannot be parallel with both straight and curved surfaces. Accordingly, the '606 Yu et al. reference, as well as the '877 Yu et al. reference, do not overcome the deficiencies identified above, and amended claim 70 should be allowed. Action to that end is requested.

Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

This application is believed to be in condition for allowance.

Respectfully submitted,

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